

REMARKS

Claims 1-7 and 9-20 are currently pending in the present application. No claims have been amended by this Response. No new matter has been added.

Claims 1-7 and 9-20 have been rejected under 35 USC §103(a) as being unpatentable over US Patent No. 6,018,004 to Warzelhan et al. in view of US Patent Application Publication No. 2004/0152857 to Ohnishi et al.

As appreciated by the Examiner, Warzelhan fails to teach a copolymer of styrene and glycidyl (meth)acrylate, as recited in claim 1. However, the Office Action applies Ohnishi for suggesting comparable features.

Ohnishi fails to antedate the effective filing date of the present application. In particular, enclosed is a verified English-language translation of the priority application of this application DE 10336387.4, filed in Germany on August 6, 2003.

This rejection is overcome by the filing of the verified English-language translation of the German priority application DE 10336387.4.

The filing of the English translation of the priority application is not to be construed as an admission, estoppel or acquiescence. See *Greenwood v. Hattori Seiko Co., Ltd.*, 14 USPQ2d 1474 (Fed. Cir. 1990).

At page 6, the Office Action requests that Applicants provide experimental data showing unexpected results over the entire claim range. Applicants respectfully submit that additional data is currently not available.

Further, the Office Action states that the weight percentages of the butanol, terephthalic acid, and adipic acid components of Ecoflex 7011 are not known. Applicants respectfully submit that Ecoflex 7011 corresponds to component i-1 disclosed at page 16, lines 19-31, of the specification. Accordingly, polyester i-1 is made from 87.3 kg (450 mol) of dimethyl

terephthalate, 80.3 kg (550 mol) of adipic acid), and 117 kg (1300 mol) of 1,4-butanediol. The excess 1,4-butanediol is distilled off and the resulting polyester has following composition: terephthalic acid 45 mol-%, adipic acid 55 mol%, and butanediol 100 mol-%.

Claims 2-7 and 9-20 are in condition for allowance for at least their respective dependence on an allowable claim 1, as well as for the separately patentable subject matter that each of these claims recites.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned attorney is available at the telephone number noted below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00192-US1 from which the undersigned is authorized to draw.

Dated: January 18, 2011

Respectfully submitted,

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